

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CAREDX, INC.  
Plaintiff,

v.

NATERA, INC.,  
Defendant.

C.A. No. 19-cv-662-CFC-CJB

**~~PROPOSED~~ JURY VERDICT FORM**

## **INSTRUCTIONS**

2

In answering the following questions and filling out this Verdict Form, you are to follow all of the instructions I have given you. Your answer to each question must be **unanimous**. Some of the questions contain legal terms that are explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

# **CAREDx QUESTIONS**

## CareDx Question No. 1

4

**Alleged Advertising Claim A**

More sensitive and specific than current assessment tools across all types of rejection.

## Introducing Prospera

Prospera is powered by highly optimized, proprietary cell-free DNA (cfDNA) technology. As part of your tool kit, Prospera assesses all types of kidney transplant rejection<sup>2</sup> with the greatest precision.<sup>1,3</sup>

- Simpler and less invasive than biopsy
- More sensitive and specific than current assessment tools across all types of rejection<sup>2,4,5</sup>
- Up to 5x less variability than first-generation donor-derived cell-free DNA technology<sup>1,3</sup>

*JTX-7.2 (Brochure)*

- **More sensitive and specific than current assessment tools across all types of rejection:**<sup>2,3,5</sup> Serum creatinine tests are the current baseline screening standard, yet are not accurate enough for kidney transplant injury. Since then, first generation cell-free DNA technology has exhibited high variability. Prospera's published data shows better performance than both assessment methods.

*JTX-5.3 (Website)*

**QUESTION NO. 1:**

Did CareDx prove by a preponderance of the evidence that Natera is liable for false advertising for **Alleged Advertising Claim A**?

**YES**  
(for CareDx)



**NO**  
(for Natera)



## CareDx Question No. 2

5

**Alleged Advertising Claim B**

The advertisement to the right.

**4**

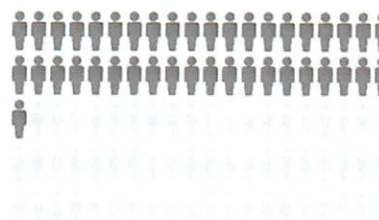
When comparing published clinical validation studies, Prospera demonstrated better performance in correctly classifying patients with active rejection—including cell-mediated rejection.<sup>2,5</sup> Other tests may incorrectly classify patients experiencing active rejection as normal (up to 1 out of 2 cases).<sup>5</sup>

Of 100 active rejection cases, the number of patients who would be missed, and told they are normal<sup>†</sup>

Prospera<sup>2</sup>**11/100**

Sensitivity

89%

First-generation  
dd-cfDNA<sup>5</sup>**41/100**

Sensitivity

59%

Serum  
creatinine<sup>2</sup>**48/100**

Sensitivity

52%

*JTX-7.3 (Brochure)*

**QUESTION NO. 2:**

Did CareDx prove by a preponderance of the evidence that Natera is liable for false advertising for **Alleged Advertising Claim B**?

**YES**  
(for CareDx)



**NO**  
(for Natera)





## CareDx Question No. 3

6

**Alleged Advertising Claim C**

The statements to the right.

Natera Announces Publication of Kidney Transplant Validation Study, Demonstrating Superior Data in Detection of Clinical and Subclinical Rejection

Represents Successful Achievement of All 2018 Commercialization Milestones, on Path to 2019 Launch

SAN CARLOS, Calif., Jan. 7, 2019 /PRNewswire/ -- [Natera, Inc.](#) (NASDAQ: NTRA), a leader in cell-free DNA, today announced clinical validation study results published in the *Journal of Clinical Medicine*,<sup>1</sup> demonstrating the highly accurate performance of its donor-derived cell-free DNA (dd-cfDNA) test for active allograft rejection in kidney transplant recipients, including higher sensitivity and nearly 18% higher area under the curve (AUC) than the competitive dd-cfDNA assay.<sup>1,2</sup> The study also reports the first accurate detection of T-cell mediated rejection (TCMR) and subclinical rejection. This marks the successful completion of all 2018 commercialization milestones, and is in line with the company's plan to secure Medicare coverage and commercially launch its test in 2019.

*JTX-12.1 (Press Release)*

**QUESTION NO. 3:**

Did CareDx prove by a preponderance of the evidence that Natera is liable for false advertising for **Alleged Advertising Claim C**?

**YES**  
(for CareDx)



**NO**  
(for Natera)



## CareDx Question No. 4

7

**Alleged Advertising Claim D**

The statements to the right.

Natera Announces Publication of Analytical Validation Study Demonstrating Superior Precision of Its Kidney Transplant Rejection Assay

Core Technology Delivers Superior Analytical Performance, Underpins Outstanding Clinical Performance

SAN CARLOS, Calif., Feb. 22, 2019 /PRNewswire/ -- [Natera, Inc.](#) results to be published online

performance in detecting active allograft rejection (AR). In its recently published clinical validation study,<sup>4</sup> Natera reported higher sensitivity (89% vs. 59%) and higher area under the curve (0.87 vs. 0.74) than the competing dd-cfDNA assay.<sup>4,5</sup> In that study, Natera also

*JTX-14.2 (Natera February 22, 2019 Press Release)*

*JTX 16 (Natera June 24, 2019 press release); JTX-17.2 (Natera December 19, 2019 press release);*

**QUESTION NO. 4:**

Did CareDx prove by a preponderance of the evidence that Natera is liable for false advertising for **Alleged Advertising Claim D**?

**YES**  
(for CareDx)



**NO**  
(for Natera)

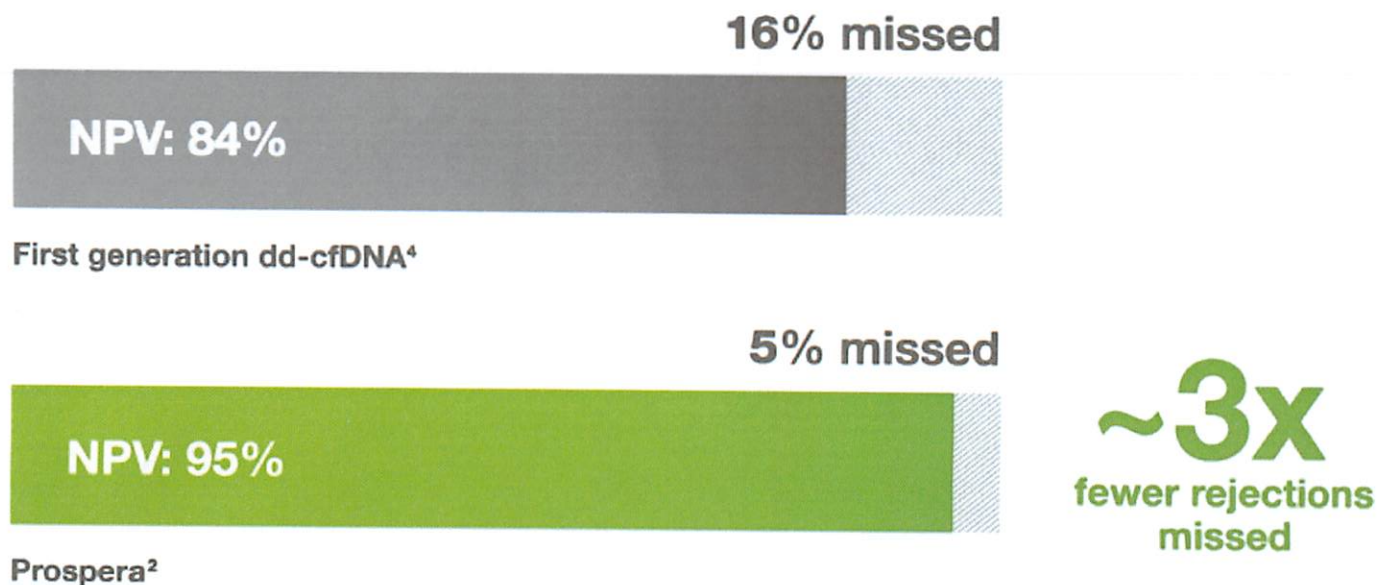


## CareDx Question No. 5

8

**Alleged Advertising Claim E**

The advertisement to the right.



Based upon 25% prevalence of active rejection<sup>2,4</sup>

JTX-6.4 (Website)

**QUESTION NO. 5:**

Did CareDx prove by a preponderance of the evidence that Natera is liable for false advertising for **Alleged Advertising Claim E**?

**YES**  
(for CareDx)



**NO**  
(for Natera)





## CareDx Question No. 6

9

**Alleged Advertising Claim F**

The advertisement to the right.

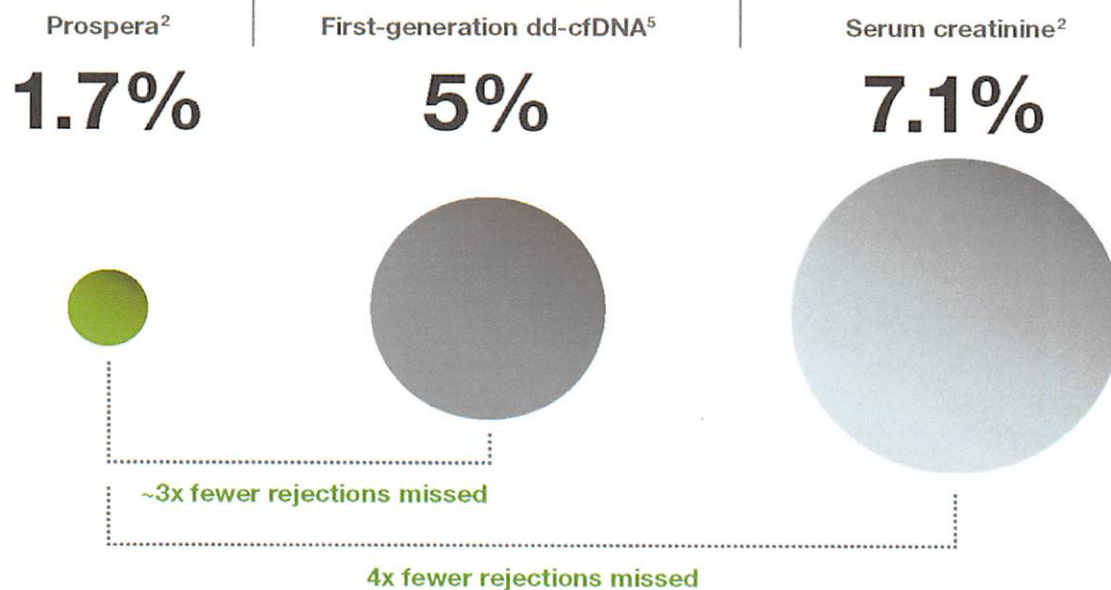
# 3

## Lower risk of missing active rejection

With 98% negative predictive value (NPV), Prospera misses nearly three times fewer rejections<sup>†</sup> than first-generation dd-cfDNA<sup>2,5</sup> and four times fewer rejections<sup>†</sup> than serum creatinine.<sup>2</sup>

### Percentage of patients with a negative result who have active rejection

<sup>†</sup>At a 10% prevalence of active rejection using a 1% dd-cfDNA threshold to define the patient's risk



JTX-7.3 (Brochure)

### QUESTION NO. 6:

Did CareDx prove by a preponderance of the evidence that Natera is liable for false advertising for **Alleged Advertising Claim F**?

**YES**  
(for CareDx)



**NO**  
(for Natera)



## CareDx Question No. 7

10

**Alleged Advertising Claim G**

The advertisement to the right.

**Stronger test performance demonstrated with unique clinical capabilities**

• Largest dd- cfDNA validation study (217 patients)	217	107
• Higher area under the curve; driven by superior clinical data	0.87	0.74
• First test to accurately detect TCMR (about 1/3 of all AR cases)	10/10	3/11
• First test to consistently detect subclinical rejection	92%	N/A
• 5x higher repeatability at 0.6% donor fraction (CV)	1.85	9.2

11

JTX-21.11 (CEOT Presentation)

**QUESTION NO. 7:**

Did CareDx prove by a preponderance of the evidence that Natera is liable for false advertising for **Alleged Advertising Claim G**?

YES (for CareDx) NO (for Natera)



## CareDx Question No. 8

11

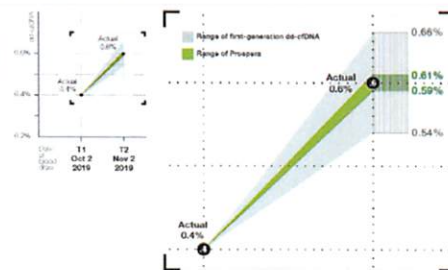
## Alleged Advertising Claim H

Unparalleled precision.

## 1 Highly optimized to significantly reduce variability

Based on analytical validation data, Prospera exhibited up to 5x less variability in results.<sup>1,3</sup>

## Patient Test Summary Example\*

T1 dd-cfDNA result: 0.4%  
T2 dd-cfDNA result: 0.6%Depending on the dd-cfDNA lab chosen, the percent change in the dd-cfDNA level could have a range as large as 30%–60% (first generation dd-cfDNA testing), or as small as 47.5%–52.5% (Prospera)<sup>1,3</sup>—whereas the true percent change is 50%.

\*Example depicts only a 1 standard deviation from actual dd-cfDNA level based on coefficient of variation.

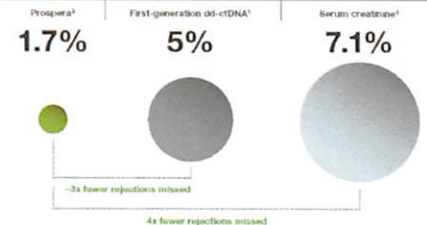
## 2 Now—catch ALL rejection types with a single blood draw

Prospera's unique ability to identify T cell-mediated rejection gives a more comprehensive view of your patient's rejection status.<sup>2,4</sup>

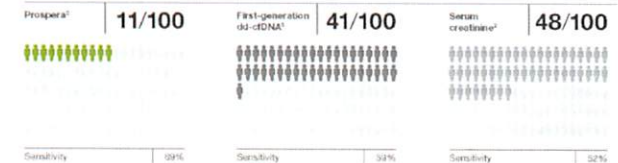
Rejection Types	Prospera <sup>2</sup>	First-generation dd-cfDNA <sup>4</sup>
Antibody-mediated rejection (ABMR)	✓ Yes	✓ Yes
T cell-mediated rejection (TCMR) ≥ 1A	✓ Yes	✗ No

Prospera is the first dd-cfDNA assay to publish performance in surveillance situations, providing results that can enable physicians to manage patients with previously unsuspected rejection.<sup>2</sup>

## 3 Lower risk of missing active rejection

With 98% negative predictive value (NPV), Prospera misses nearly three times fewer rejections<sup>5</sup> than first-generation dd-cfDNA<sup>1,3</sup> and four times fewer rejections<sup>6</sup> than serum creatinine.<sup>7</sup>Percentage of patients with a negative result who have active rejection<sup>5,6,7</sup>

## 4 Ultra-sensitive for more accurate classification

When comparing published clinical validation studies, Prospera demonstrated better performance in correctly classifying patients with active rejection—including cell-mediated rejection.<sup>1,2</sup> Other tests may incorrectly classify patients experiencing active rejection as normal (up to 1 out of 2 cases).<sup>8</sup>Of 100 active rejection cases, the number of patients who would be missed, and told they are normal<sup>8</sup>

\*Using a 1% dd-cfDNA threshold

JTX-7.3 (Brochure)

## QUESTION NO. 8:

Did CareDx prove by a preponderance of the evidence that Natera is liable for false advertising for **Alleged Advertising Claim H**?YES  
(for CareDx)NO  
(for Natera)



## CareDx Question No. 9

12

**Alleged Advertising Claim I**

The advertisement to the right.

## Now—catch ALL rejection types with a single blood draw

# 2

Prospera's unique ability to identify T cell-mediated rejection gives a more comprehensive view of your patient's rejection status.<sup>2,5</sup>

Rejection Types	Prospera <sup>2</sup>	First-generation dd-cfDNA <sup>6</sup>
Antibody-mediated rejection (ABMR)	✓ Yes	✓ Yes
T cell-mediated rejection (TCMR) ≥ 1A	✓ Yes	✗ No

JTX-7.3 (Brochure)

**QUESTION NO. 9:**

Did CareDx prove by a preponderance of the evidence that Natera is liable for false advertising for **Alleged Advertising Claim I**?

**YES**  
(for CareDx)

☐

**NO**  
(for Natera)

☒



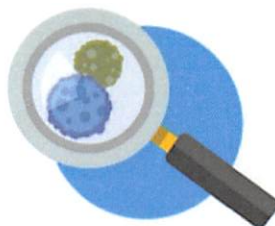
## CareDx Question No. 10

13

**Alleged Advertising Claim J**

The advertisement to the right.

### Highly sensitive across a range of rejection types and patients



#### Broad distribution of rejection types

- Subclinical rejection
- T-cell mediated rejection IA/IB/IIB
- Antibody-mediated rejection
- C4d-positive antibody-mediated rejection
- Acute rejection



#### Variety of ethnic & racial demographics

- Hispanic / Latino (n=50)
- Caucasian (n=74)
- African American (n=31)
- Asian (n=31)
- Ages:
  - Below 18 years of age (n=49)
  - 18 – 40 years of age (n=68)
  - Above 40 (n=100)

8 Confidential. Not for further reproduction or use.  
Sigdel et al. J. Clin. Med. 2019, 8, 19; doi:10.3390/jcm8010019



*JTX-21.8 (CEOT Presentation)*

*JTX23.8 (Billings Presentation)*

**QUESTION NO. 10:**

Did CareDx prove by a preponderance of the evidence that Natera is liable for false advertising for **Alleged Advertising Claim J**?

**YES**  
(for CareDx)



**NO**  
(for Natera)



## CareDx Question No. 11

14

*If you answered "Yes" to any one of Questions No. 1 - 10, you must answer Question No. 11.*

*If you answered "No" to all of Questions No. 1 - 10, you should skip Questions No. 11 - 16.*

### QUESTION NO. 11:

Did CareDx prove by a preponderance of the evidence that Natera intentionally and willfully engaged in false advertising?

YES  
(for CareDx)

☒

NO  
(for Natera)

☐

**CareDx Question No. 12**

15

*If you answered "Yes" to any one of Questions No. 1 - 10, you must answer Question No. 12.*

*If you answered "No" to all of Questions No. 1 - 10, you should skip Questions No. 12 - 16.*

**QUESTION NO. 12:** Did CareDx prove by a preponderance of the evidence that Natera is liable for false advertising under the Delaware Deceptive Trade Practices Act?

**YES**  
(for CareDx)

☒

**NO**  
(for Natera)

☐

**CareDx Question Nos. 13, 14**

16

*If you answered "Yes" to any one of Questions No. 1 - 10, you must answer Question No. 13.*

*If you answered "No" to all of Question Nos. 1 - 10, you should skip Questions No. 13 - 16.*

**QUESTION NO. 13:**

Did CareDx prove by a preponderance of the evidence that Natera is liable for unfair competition?

**YES**  
(for CareDx)

☒

**NO**  
(for Natera)

☐

*If you answered "Yes" to Question No. 13, you must answer Question No. 14.*

*If you answered "No" to Question No. 13, you should skip Question Nos. 14 and 16.*

**QUESTION NO. 14:**

Did CareDx prove by a preponderance of the evidence that Natera intentionally or recklessly engaged in unfair competition?

**YES**  
(for CareDx)

☒

**NO**  
(for Natera)

☐



*If you answered "No" to all of Question Nos. 1 - 10, you should skip Question Nos. 15 - 16.*

What amount, if any, is CareDx entitled to recover as actual damages attributable to Natera's false advertising and/or unfair competition?

Answer: \$ 21,200,000 L.G

(21.2m)  
L.G

**CareDx Question No. 16**

18

*If you answered "Yes" to Question No. 14 and you awarded compensatory damages in response to Question No. 15, you must answer Question No. 16.*

*If you answered "No" to Question No. 14 or you awarded no compensatory damages in response to Question No. 15, you should skip Question No. 16.*

**QUESTION NO. 16:** What amount of punitive damages, if any, do you award CareDx for Natera's unfair competition?

Answer: \$ 23.7 million

# **NATERA QUESTIONS**

## Natera Question No. 1

20

## Alleged Advertising Claim

1. The advertisement to the right.

DTX135.00002

**Method 1:  
Rigorous Scientific Method<sup>1</sup>**

vs. **Method 2:  
Lack of Scientific Rigor<sup>2</sup>**

	CareDx 100% Transplant Focused Applying Rigorous Scientific Approach	Other Test: Non-Transplant Focused	Applying Other Test Method to DART Data
Scientific Design	Multi-Center Prospective	Retrospective Single-Center	Multi-Center Prospective
Number of Centers	14	1	14
Patient Selection <sup>3,4</sup>	No eGFR selection bias	Selection bias illustrated by eGFR	Selection bias illustrated by eGFR
AUC <sup>5</sup>	0.74	0.87	1.0
Definition of Active Rejection	Banff criteria used <sup>1</sup> , accepted in kidney transplant community	Non-Banff definition used to segment patients <sup>6</sup>	Non-Banff definition used to segment patients <sup>6</sup>
Sensitivity	59%	89%	100%
Specificity	85%	73%	100%
NPV	84%	95%	100%
PPV	60%	53%	100%
Journal <sup>7,8</sup>	JASN	JCM	



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1. Bloom R. JASN publication-Multi-Center (14) including 384 patients and full Banff 2013 criteria is reflective of real incidence and accurate analysis
2. Competitor study is a limited retrospective single center analysis
3. Sample selection bias makes analysis inapplicable to real world patients
4. eGFR pattern between groups demonstrate selection bias
5. AUC's cannot be compared unless same method has been used
6. Banff 2017 criteria used was incomplete, introducing bias
7. Journal of the American Society of Nephrology
8. Journal of Clinical Medicine

## NATERA QUESTION NO. 1:

Did Natera prove by a preponderance of the evidence that CareDx is liable for false advertising for **Alleged Advertising Claim 1**?

**YES**  
(for Natera)

☐

**NO**  
(for CareDx)

☒



## Natera Question No. 2

21

Alleged  
Advertising Claim

2. " 'While CareDx was not involved in this head-to-head comparison, we are not surprised by the results as AlloSure was developed for transplant specific needs, including accurate testing at low cfDNA levels and fast turnaround times,' said Sham Dholakia, SVP of Medical Affairs at CareDx."

DTX144

## Press Releases

Jun 22, 2020

<< [Back](#)

### New Kidney360 Publication Highlights CareDx's AlloSure is Differentiated as the dd-cfDNA Test of Choice

Head to head data shows that not all dd-cfDNA is the same

SOUTH SAN FRANCISCO, Calif., June 22, 2020 (GLOBE NEWSWIRE) -- CareDx, Inc. (Nasdaq: CDNA), a leading precision medicine company focused on the discovery, development, and commercialization of clinically differentiated, high-value healthcare solutions for transplant patients and caregivers, announces today that the journal of the American Society of Nephrology, *Kidney360*, published a study evaluating AlloSure simultaneously with a different donor-derived cell-free DNA (dd-cfDNA) monitoring tool for allograft rejection.

This study evaluated 76 kidney transplant patients and surveilled post-transplant kidney rejection utilizing AlloSure and one other dd-cfDNA monitoring tool. Overall, the study found that while there were no significant differences between the diagnostic test characteristics, AlloSure was proven to be more accurate in clinical interpretation and significantly faster in delivering patient results. The study evaluated dd-cfDNA samples and concluded that AlloSure had a significantly superior turnaround time with 75% of the results returned at least one day earlier.

"Our study findings further validated the published data on AlloSure, a transplant-focused analytical tool for allograft rejection using donor-derived cell-free DNA," said Joseph K. Melancon, MD, The George Washington University Hospital. "Although dd-cfDNA tests are similar, they are not the same."

"While CareDx was not involved in this head-to-head comparison, we are not surprised by the results as AlloSure was developed for transplant specific needs, including accurate testing at low cfDNA levels and fast turnaround times," said Sham Dholakia, SVP of Medical Affairs at CareDx.

## NATERA QUESTION NO. 2:

Did Natera prove by a preponderance of the evidence that CareDx is liable for false advertising for **Alleged Advertising Claim 2**?

YES  
(for Natera)



NO  
(for CareDx)



## Natera Question No. 3

22

<b>Alleged Advertising Claims</b>	<b>DTX085.00001, .00005</b>	
<p>3. "I declare no conflict of interest and performed this study independent of any company involvement."</p> <p>and</p> <p>"No external funding was received."</p>	<p><b>Kidney360 Publish Ahead of Print, published on June 19, 2020 as doi:10.34067/KID.0003512020</b></p> <p>Donor Derived Cell Free DNA: is it all the same?</p> <p>Joseph K. Melancon<sup>1</sup></p> <p><sup>1</sup>Department of Surgery, The George Washington University Hospital, Washington, D.C., U.S.A.</p> <p>Corresponding Author: Joseph K. Melancon, MD 2131 K Street NW, Washington, D.C., 20037, U.S.A. Email address: <a href="mailto:jmelancon@mfa.gwu.edu">jmelancon@mfa.gwu.edu</a></p> <p><b>Disclosures</b> J Melancon is on the speaker's bureau of Natera and CareDx. I declare no conflict of interest and performed this study independent of any company involvement.</p> <p><b>Acknowledgements/Funding</b> No external funding was received.</p> <p><b>Author Contributions</b> J Melancon: Conceptualization; Data curation; Formal analysis; Investigation; Writing - original draft; Writing - review and editing</p>	
<p><b>NATERA QUESTION NO. 3:</b></p> <p>Did Natera prove by a preponderance of the evidence that CareDx is liable for false advertising for <b>Alleged Advertising Claims 3</b>?</p> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: center;"> <p><b>YES</b> (for Natera)</p> <input checked="checked" type="checkbox"/> </div> <div style="text-align: center; margin-left: 20px;"> <p><b>NO</b> (for CareDx)</p> <input type="checkbox"/> </div> </div>		



## Natera Question No. 4

23

**Alleged Advertising Claim**

DTX125.00001

4. "AlloSure can accurately determine active rejection, enabling better management of your kidney transplant patients."



**AVAILABLE NOW**

## A clear path forward

THE LATEST INNOVATION IN KIDNEY TRANSPLANT SURVEILLANCE CAN DRIVE BETTER OUTCOMES FOR YOUR PATIENTS

AlloSure is the first and only non-invasive test that assesses organ health by directly measuring allograft injury. AlloSure can accurately determine active rejection, enabling better management of your kidney transplant patients.

\* Active Rejection = acute/active ABMR; chronic, active ABMR; and TCMR IA and greater

<sup>†</sup> Prevalence of rejection within the first year post-transplant

<sup>•</sup> Prevalence of ABMR in DSA positive patients

**NATERA QUESTION NO. 4:**

Did Natera prove by a preponderance of the evidence that CareDx is liable for false advertising for **Alleged Advertising Claim 4**?

**YES**  
(for Natera)



**NO**  
(for CareDx)



## Natera Question No. 5

24

Alleged  
Advertising Claim

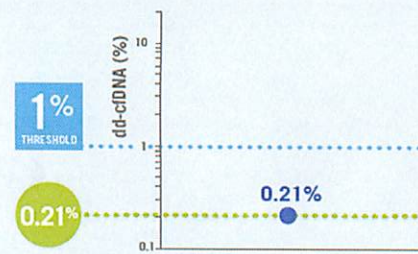
DTX125.00004

## 5. "95% NPV for Active Rejection"

## AlloSure performance characteristics

96% of AlloSure results for samples from DART healthy stable recipients are below the 1% threshold  
 50% of AlloSure results for samples from DART healthy stable recipients are below 0.21%

## ALLOSURE CAN RULE OUT REJECTION



## 95% NPV for Active Rejection\*

Sensitivity: 85%  
 Specificity: 33%  
 Prevalence: 10%<sup>†</sup>

} at 0.21% dd-cfDNA

0.21% is the median from DART healthy stable recipients

\*Active Rejection = acute/active ABMR; chronic, active ABMR; and TCMR IA and greater

†Prevalence of rejection within the first year post-transplant

\*Prevalence of ABMR in DSA positive patients

## NATERA QUESTION NO. 5:

Did Natera prove by a preponderance of the evidence that CareDx is liable for false advertising for **Alleged Advertising Claim 5**?

YES  
(for Natera)

☐

NO  
(for CareDx)

☒



## Natera Question No. 6

25

Alleged  
Advertising Claim6. "95% NPV for Active  
Rejection"

DTX138.00010

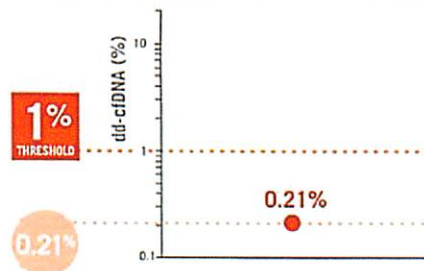
AlloSure: A Surveillance Test To Detect  
Graft Injury And Determine Rejection

WITH A HIGH NPV, ALLOSURE CAN CONFIDENTLY RULE OUT INJURY &amp; REJECTION

96% of AlloSure results from DART healthy stable recipients are below the 1% threshold

50% of AlloSure results from DART healthy stable recipients are below 0.21%

## ALLOSURE CAN RULE OUT REJECTION

95% NPV for Active Rejection<sup>1</sup>

Sensitivity: 85%

Specificity: 33%

Prevalence: 10%<sup>†</sup>

} at 0.21% dd-cfDNA

0.21% is the median from DART  
healthy stable recipients

\* Active Rejection = acute/active ABMR; chronic, active ABMR; and TCMR IA and greater  
 † Prevalence of rejection within the first year post-transplant  
 ~ Prevalence of ABMR in DSA positive patients

1. Bloom RD et al. J Am Soc Nephrol. 2017;28(7): 2221-2232  
 2. Jordan et al. J Am Soc Nephrol 28:Suppl, 2017

## NATERA QUESTION NO. 6:

Did Natera prove by a preponderance of the evidence that CareDx is liable for  
false advertising for **Alleged Advertising Claim 6**?YES  
(for Natera)☐NO  
(for CareDx)☒

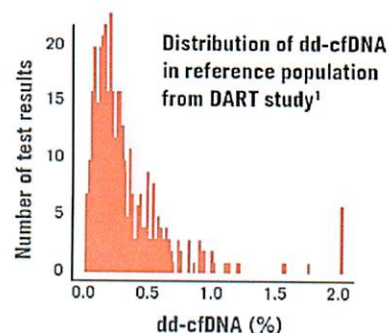
## Natera Question No. 7

26

**Alleged  
Advertising Claim**

7. "Allosure <0.21%  
has 95% NPV for  
Active Rejection"

DTX128.004, .005

**REASSURANCE WITH A LOW ALLOSURE SCORE**

**ALLOSURE <0.21%**  
**has 95% NPV**

for Active Rejection<sup>\*4</sup>

0.21% is the median from DART healthy stable recipients

1. Jordan SC et al. Transplant Direct 2018; 4:e379  
2. Bloom RD et al. J Am Soc Nephrol 2017; 28:2221–2232

DTX128.005

3. Stites E et al. Am J Transplant 2020 Feb; doi: 10.1111/ajt.15822 [Epub ahead of print]  
4. Bromberg JS et al. J Appl Lab Med 2017; 2:309–321

**NATERA QUESTION NO. 7:**

Did Natera prove by a preponderance of the evidence that CareDx is liable for false advertising for **Alleged Advertising Claim 7**?

**YES**  
(for Natera)

☐

**NO**  
(for CareDx)

☒



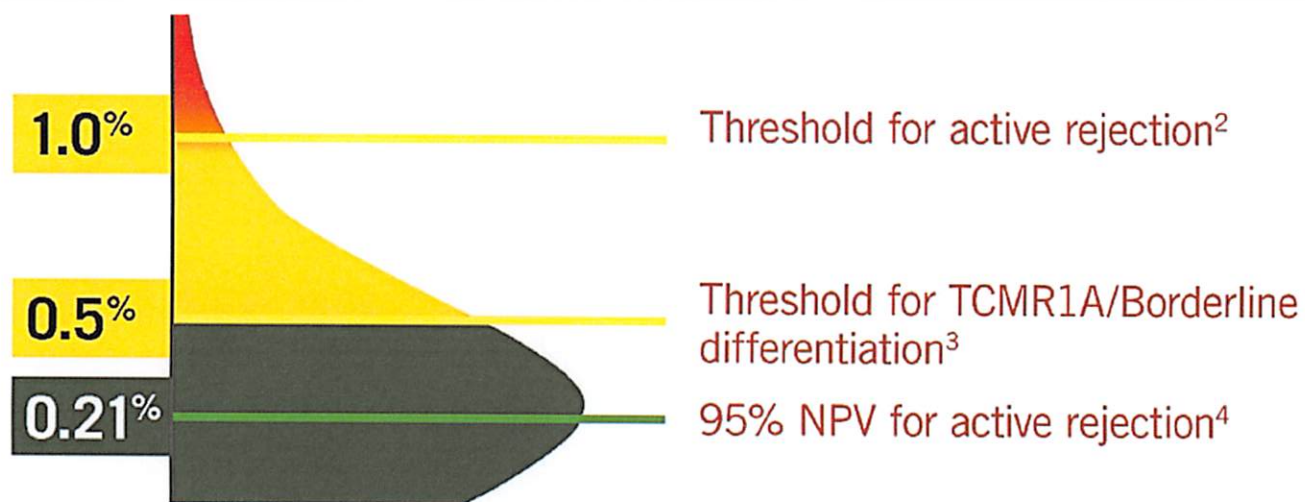
## Natera Question No. 8

27

Alleged  
Advertising Claim

DTX128.005

8. "95% NPV for active rejection"



1. Jordan SC et al. Transplant Direct 2018; 4:e379

2. Bloom RD et al. J Am Soc Nephrol 2017; 28:2221–2232

DTX128.005

3. Stiles E et al. Am J Transplant 2020 Feb; doi: 10.1111/ajt.15822 [Epub ahead of print]

4. Bromberg JS et al. J Appl Lab Med 2017; 2:309–321

## NATERA QUESTION NO. 8:

Did Natera prove by a preponderance of the evidence that CareDx is liable for false advertising for **Alleged Advertising Claim 8**?

YES  
(for Natera)

☐

NO  
(for CareDx)

☒

**Natera Question No. 9**

28

*If you answered "Yes" to any one of Natera Questions No. 1 - 8, you must answer Natera Question No. 9.*

*If you answered "No" to all of Natera Questions No. 1 - 8, you should skip Natera Questions No. 9 - 12.*

**NATERA QUESTION NO. 9:**

Did Natera prove by a preponderance of the evidence that CareDx is liable for false advertising under the Delaware Deceptive Trade Practices Act?

**YES**  
(for Natera)

☐

**NO**  
(for CareDx)

☒

**Natera Question No. 10**

29

*If you answered "Yes" to any one of Natera Questions No. 1 - 8, you must answer Natera Question No. 10.*

*If you answered "No" to all of Natera Questions No. 1 - 8, you should skip Natera Question No. 10.*

**NATERA QUESTION NO. 10:**

Did Natera prove by a preponderance of the evidence that CareDx intentionally and willfully engaged in false advertising?

**YES**  
(for Natera)

☐

**NO**  
(for CareDx)

☒



**Natera Questions No. 11, 12**

30

*If you answered "Yes" to any one of Natera Questions No. 1 - 8, you must answer Natera Question No. 11.*

*If you answered "No" to all of Natera Questions No. 1 - 8, you should skip Natera Questions No. 11 - 12.*

**NATERA QUESTION NO. 11:**

Did Natera prove by a preponderance of the evidence that CareDx is liable for unfair competition?

**YES**  
(for Natera)

☐

**NO**  
(for CareDx)

☒

*If you answered "Yes" to Natera Question No. 11, you must answer Natera Question No. 12.*

*If you answered "No" to Natera Question No. 11, you should skip Natera Question No. 12.*

**NATERA QUESTION NO. 12:**

Did Natera prove by a preponderance of the evidence that CareDx intentionally or recklessly engaged in unfair competition?

**YES**  
(for Natera)

☐

**NO**  
(for CareDx)

☒

## CONCLUSION

31

You have reached the end of the verdict form. Review the completed form to ensure that it accurately reflects your **unanimous** determinations. The Foreperson should then sign and date the verdict form in the space below and notify the Court Security Officer that you have reached a verdict. The Foreperson should place the completed verdict form in the envelope provided to you and retain possession of it until the jury returns to the courtroom.

Dated: 3/14/2022

Foreperson

